

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

2005 DEC 28 PM 3:30

KENNETH S. TAYLOR,

Plaintiff,

VS.

CITY OF CLEVELAND,
ALVIN WHITE.,

Defendant(s).

CASE NO.

1:05CV2983

JUDGE

JUDGE O'MALLEY

COMPLAINT
JURY DEMAND (ENDORSED
HEREON)

PRELIMINARY STATEMENTS

1.1 This is an action for declaratory judgment, preliminary and permanent injunctive relief, legal and equitable relief, and damages for Defendants City of Cleveland and Alvin White's wrongful actions and inactions stemming from Plaintiff Kenneth S. Taylor's ("Mr. Taylor") civil rights being violated, by and through the City Of Cleveland and Alvin White.

1.2 Mr. Taylor, through his allegations below, alleges that City Of Cleveland and Alvin Whites wrongful actions and inactions entitle him to both legal and equitable relief under the Constitution Of The United States the XIV Amendment, under Reconstruction Era Civil Rights Act of 1866, 1871, 1870, the Treaties of the United States, as well as the XIII, and IV Amendments as well as 42 U.S.C. 1983, 1985, 1986, 1981, 1988, embodied in the Civil Rights Acts of 1866 and 1870. As well as various pendent state claims enumerated below pursuant to 28 U.S.C. * 1367, 1331, 1343 and 1443

Treaties of U.S.A. as well as U.S.C. 42 2000. A-1, A2, A3, A6, 2000e -16. Including but not limited to the Ohio Revised Code 4112.02, 4112.99, 4112.01, as well as the Constitution of Ohio 1802 Art VIII (5), ArtI (1).

1.3 Mr. Taylor alleges that the City Of Cleveland and Alvin Whites wrongful actions and inactions entitle him to relief as a direct and proximate result of negligent and / or inactions and/ or due to the wanton and / or reckless disregard by the City Of Cleveland and Alvin Whites of its responsibility to ensure that Mr. Taylor's federal and/ or state rights to a city free from race and retaliation discrimination and/or racial and retaliation harassment, and/or police intimidation, false arrest, illegal search and /or seizure , free from seizure of Mr. Taylor's person, and / or property, free from unreasonable harassment by a police officer, free from deprivation by state of life and liberty , and that his fundamental rights were preserved which is the essence of civil freedom , namely the rights to make and enforce contracts , to sue, be parties, give evidence, inherit , purchase , lease, sell, and convey property as enjoyed by whites in the City of Cleveland.

1.4 The actions and inactions of the City Of Cleveland and Alvin White , include but not limited to racial harassment impermissible disparate treatment base on race ,the denial of due process, unlawful search and seizure, of personal property, false arrest, police intimidation, retaliation , falsification of reports, deprivation of rights by a person acting under color of law, dereliction of duty, interfering with civil rights, failure to take any remedial actions against public officials, for negligence or misconduct in office , which includes the City of Cleveland Office of Professional Standards mishandling complaints, the Department of Law, the Department of Public Safety, the Mayors Office ,the City of Cleveland had information regarding officer Alvin White outrageous behavior and did nothing, a request to City Of Cleveland Clerk of Courts for court journal records from trial on November 03 2005 , was missing on November 05,2005 the file is missing the most damaging evidence against the defendants, the citation that was change at some point while in the hands of its administrative officers, the City of Cleveland Prosecutor did conspirer with Alvin White and

commence a malicious criminal prosecution with known false evidence, this is a violation of Mr. Taylor's liberty. Mr. Taylor's involvement in a protected activity by federal, and state statutory and common law has been breached, as well as adverse actions taken by the City of Cleveland and Alvin White that affected Mr. Taylor's rights as a free citizen and "liberty" guaranteed by due process. No non - discriminatory reason(s) exist(s) to support the City of Cleveland and Alvin White's actions and/or inactions other than those based on pretext to which no person should give credence of any sort.

JURSDICTION AND VENUE

1.5 Federal question of jurisdiction of this court is invoked pursuant to 28 U. S. C. 1331 a 28 U. S. C. 1343, U.S.C. 42, 1983, 1981.

1.6 Supplemental and / or "pendant" jurisdiction is invoked pursuant to 28 U. S. C. 1367.

1.7 The acts herein took place or were carried out in the Northern District of Ohio.

PARTIES

1.8 Plaintiff Mr. Taylor is a black and an African- American citizen of the United States who resides in the Northern District of Ohio.

1.9 Defendant(s) City of Cleveland is a city located in the state of Ohio whose principal place of business is Cleveland, Ohio and is a well established municipality with a population well over 5, 000, whose mayor is Jane Campbell. The co - defendant is a citizen who is a City of Cleveland police officer in the state of Ohio whose name is Alvin White.

1.10 City of Cleveland and Alvin White is amenable to this courts jurisdiction not only under its supplemental pursuant to 28 U. S. C. 1367 but also under 42 U. S. C . 1983, 1981, and Civil Rights Act of 1870 , 1331 42 U. S. C. 1985 based on Treaties of U. S.

STATEMENT OF CLAIMS

FIRST CAUSE OF ACTION 42 U. S. C. 1983

LACKED PROBABLE CAUSE

1.11 Mr. Taylor hereby reasserts the foregoing allegations and incorporates them by reference as fully set fourth herein.

1.12 On and about September 11, 2005 at or about 11: 00 am Sunday morning Mr. Taylor was walking northbound on east 9th street downtown on the pedestrian walk way. Mr. Taylor had just past the New York Spaghetti house on the right side of east 9th street approximately 100-200 feet from prospect Ave, when officer Alvin White approached Mr. Taylor from the rear, lights, and siren, on and rode up near Mr. Taylor and told him you thought you got away umm-hu didn't you big man come over hear, Mr. Taylor asked officer Alvin White why he was being stop "what are you stopping me for" Mr. Taylor asked? Officer Alvin White's re plied ; for being on the highway stopping cars, Mr. Taylor said he was not on the highway stopping cars he said not me, officer Alvin White removed his ticket book and said he was going to give Mr. Taylor a break and said I am going to give you a ticket for selling browns tickets, Mr. Taylor replied selling browns tickets are not illegal, officer Alvin White then said you need a peddlers license to sell tickets, Mr. Taylor was not selling tickets when officer Alvin White stopped and detained him for no reason at all there was no person within 100 feet of Mr. Taylor in any direction , Mr. Taylor has never been on a highway stopping traffic, this was not just a mistake , officer Alvin White had no reason to stop me and detained me against my will taking well over 20 minutes to write a false

summons he pulled out a 8 1/2 x 11 inch white paper with a list of crimes on it and decided to expand his scope and authority and went on a witch hunt, and also decided to make capitalization illegal for Mr. Taylor, held Mr. Taylor against his will failed to inform Mr. Taylor of his Miranda rights never told Mr. Taylor he was free to go, falsified location of initial stop , charge Mr. Taylor with a crime he never saw take place charged Mr. Taylor with a different crime than the one he admitted was the reason for initial stop, did lie on face of citation, and contradict his own duly sworn deposed statement after being cautioned in writing on face of the criminal summons, by under description of offense wrote "did sell or buy tickets (browns) on exit ramp of free way, what crime was committed? also lied on face of citation regarding location, the actual stop was at the aboveforementioned location officer white lied in court on the record and told the judge he gave me three warnings to get off highway, the first encounter with officer Alvin White on September 11, 2005 was near east 9th and prospect 1/2 mile away from the officer's allege site. This officer had no right to stop me for any reason, he interfered with my right to be a free citizen ,the 14th amendments recognized that police power can sometimes go to far, and when that happens as in this case it will be recognized as taking of property for which compensation must be paid. Officer Alvin White had no probable cause to stop Mr. Taylor and took a quantum leap into dangerous grounds as a peace officer. The precursor to "probable cause" is a fairly high standard in a policeman actions, not to be carelessly taken or without due caution.

1.13 On 10/ 04/ 2005 after pleading not guilty to the aboveforementioned crime of no peddlers 675.02 and a brief discussion with prosecutor the City of Cleveland went forward and commenced the criminal prosecution against Mr. Taylor, and a trial was had the City of Cleveland Failed to prove its Case, Mr. Taylor was found not guilty of the count and discharged by Judge Zone 13th floor case # 2005crb031777 a . After the verdict was read officer Alvin White became visible upset and angry he was mad made several out burst in court room we both left the courtroom together we rode down on the same elevator we begin to engaged each other in a heated exchange of words, he wanted revenge and promised to get it and he did get it

five days later, officer Alvin White got the revenge he vowed to get he also said if he sees with some tickets he would take them from me, and he did do exactly as he had threaten he would. As a result of a directive from the City of Cleveland's prosecutor to take Mr. Taylor's property. Officer Alvin White did retaliate with outrageous behavior , on 10/9/2005 only 5 days after the trial while standing on a private lot in the City of Cleveland the B.P. gas station , Mr. Taylor was engage in a conversation with four white males that were inside the cab of the truck, the truck was a 4passenger long bed we had been there 3-5 minutes talking, the truck was facing eastbound parked about 10-15 feet from gas pumps . Suddenly out of nowhere officer Alvin White approached us with lights and siren on pulled up got off motorcycle looked into the truck and said them better not be your tickets "player" or I am taking those tickets, officer Alvin White then physically turn Mr. Taylor around grabbed his hands leaned him over the motorcycle and frisk him and patted him down , tickets still in hand Mr. Taylor tried to secure his football tickets and put them in his pockets, but officer white grabbed the tickets and used physical force to take his person property. All while saying simultaneously " you know the drill player" I got you this time , you wont beat this one. Mr. Taylor asked Officer Alvin White, what did he do this time? Officer Alvin White replied you flagged cars in the gas station, he looked at his white paper with a list of criminal offenses on it and started to search for a amenable charge, Mr. Taylor saw flagging on the sheet , and said he had not flagged a car in the gas station officer Alvin White said yes you did, Mr. Taylor said what is wrong with you ? Officer Alvin White then said Mr. Taylor was standing in the middle of 9th street stopping cars , while officer Alvin White was looking at a list of criminal offenses on a white paper he got from the side compartment of his motorcycle Mr. Taylor begged officer Alvin White please don't take my tickets its my only source of income , why are you taking my personal property, I have a right to buy and sell property like any one else, officer Alvin White replied , you're not getting your tickets back "player" and continued to write a criminal summons in the form of a citation , officer Alvin White never witness any crime being committed had no reason to stop Mr. Taylor , did harass him well over 20 minutes , did frisk and pat him down unnecessarily he had Mr. Taylor licenses and he knew his

identity he just wanted further humiliate Mr. Taylor did take his person property by force for no other reason than revenge , did pretext the entire stop, fail once again to write the reason for the initial stop, did charge plaintiff with a crime that was falsely manufactured did go on a witch hunt , did have a personal vendetta to avenge, did deprive Mr. Taylor of his right to be a free citizen , did take his liberty away did take his right to make and enforce contracts , did interfere with Mr. Taylor's involvement in a protected activity, officer Alvin Whites actions are not mere negligence but maliciously calculated with intent to cause harm and did use reckless misconduct to do so further the officer committed perjury, and obstruction of justice, further this seem to be the policy practice of the officer, both criminal citations written by the officer were false , both were void of the offense being charged. The officer never mentioned the charge of disorderly conduct until day of trial this stop was pretext, retaliation and revenge, the chronological order of the citation shows that the only tickets written for criminal citations for a 30 day period was to Mr. Taylor 's on 9/11/2005 the citation # is 4485(27) on 10/9/2005 the citation # is 4485(28) the above enumerated citation, shows the time line in which Mr. Taylor was a subject of the officers surveillance further on 10/9/2005 Sunday was officer Alvin White's work day off but called in an volunteered to work with a spirit of revenge that day to get Mr. Taylor and did only shortly after reporting for duty. Alvin White and City of Cleveland only targets blacks selling tickets the white citizens are free to buy, sell , and convey property and do trade and never interfered with. On November 03, 2005 the City of Cleveland and Alvin White did commence a criminal prosecution with knowingly false evidence, a trial was had for disorderly conduct the defendant Mr. Taylor was found not guilty and case dismissed, judge Angela Stokes resided over the case # 20005CRB034181 A, 605.03 A. During the trial while under oath officer Alvin White lied repeatedly he testified that on 10/9/05 he stop me on the sidewalk of east 9th street, further he said under oath , that on 10/9/05 at 10:00am on a Sunday morning Mr. Taylor blocked a pedestrian sidewalk and forced people to walk into traffic moving at a rate of 35 miles per hour, on the day and at the time in question there was no pedestrian traffic at all not even one person.

Officer Alvin White did " place the cart before the horse" by picking a crime from his list he

carries in his glove box first(disorderly conduct) and then created a false set of circumstances later to fit the crime and did use this falsely manufactured set of facts against Mr. Taylor in a commencement of a criminal prosecution, if a reasonable person reads the Cleveland Codified Ordinance 605.03 A they will understand why officer Alvin White falsely amended citation, to make void complaint into a valid one only after talking and conspiring with fellow officers in court on 11/03/05 did he mention Mr. Taylor forced people to walk into traffic, the missing element of the crime the most obvious and significant criminal act he failed to mention on citation at the initial stop, at some point officer Alvin White had a second chance to add this set of false facts when he later falsely amended the citation, but failed to mention the most serious allegations against Mr. Taylor again, why was there no mention of this before? Simply stated Officer Alvin White lies under oath of office, and or the courts. This was his last failed attempt to embellish the case by committing perjury, and obstruction of justice. Additionally , Officer Alvin White lied under oath when Judge Stokes and the prosecutor ask him when did he change or amend the citation . Officer Alvin Whites answered in a not to convincing fashion was, at the site. When officer Alvin White left the site the citations were identical Mr. Taylor remained at the site well over 15 minutes frighten , embarrassed, and stunned by what had happen to him afraid to leave , never was told he was free to go, he certainly did not change the citation at the site. These are very dangerous steps into the abuse of police power that is far over reaching. We are a nation of laws not outcomes. Officer Alvin White use of the word player has racial overtones is prejudice, offensive derogatory, and is a racial epithet, the statement you know the drill player ,is racially motivated and assumes blacks get arrested so often by police they should automatic know what to do, that's assume the position, this was a pure true from of racial harassment based on Mr. Taylor's color.

1.14 Officer Alvin White's actions are a result of intentional series of calculated steps to cause harm to Mr. Taylor by premeditated , maliciously, revengeful, misconduct, by an officer who admittedly claims to know and understand the laws he is empowered to enforce, officer Alvin White knew or

should have know his actions violated Mr. Taylor's rights. The officers conduct Was reckless egregious behavior and such behavior can not be tolerated in a free society, no person should have to endure the intentional infliction of emotional distress and torture , officer Alvin Whites conduct is so outrageous , and poses a serious threat to Mr. Taylor's ability to function as a normal free human being in the City of Cleveland. Officer Alvin White's actions and consecutive series of false arrest have violated Mr. Taylor's state and federal civil rights as a free citizen in the United States of America.

1.15 As a direct and proximate results of above - described actions and /or inactions Mr. Taylor has suffered and will continue to suffer from severe and significant depression, regular and consistent nightmares , anger, resentment, hyper vigilance , abnormal appetite, reduced motivation and significant anxiety.

1.16 Mr. Taylor states that as a direct and proximate result of the intentional and malicious and/or wanton and reckless actions and /or inactions of the City of Cleveland and Alvin White that he has suffered severe and significant emotional distress, anxiety, fright, and anguish, and will continue to suffer from emotional distress into the indefinite future.

1.17 As a direct and proximate result of the above described actions and/or inactions, Mr. Taylor has incurred medical expenses and will continue to incur such expenses into the indefinite future.

1.18 These actions and/or inactions by Defendants were base on Mr. Taylor's race and or color and/or in retaliation for having participated in protected activity , all which is in clear violation of 42 U.S.C. 1881, . As well as 42 U. S. C. 1983 while embodied in IV , XIV, V, and XIII Amendments The commencing of a criminal prosecution affected Mr. Taylor's liberty, Mr. Taylor has a right to walk down the street in the City of Cleveland free of harassmt and intimidation,

and to make and enforce contracts, buy, sell, and convey property enjoyed by white citizens.

1.19 The actions and inactions complained of above entitle Mr. Taylor damages from lost interest in property both tangible and/or intangible, loss profits, emotional distress, the cost of litigation and attorney fees pursuant to 4112.08, 4112.99, as well as under 4112.01 Ohio statutory and common law.

1.20 The actions and inactions complained of above were so egregious , intentional, willfully despicable perpetrated against Mr. Taylor with disregard for his federally protected rights Mr. Taylor is entitle to, and the City of Cleveland and Alvin White must be required to pay an amount of punitive damages such that the City of Cleveland and Alvin White will be economically forced to follow the law and ensure a city free of discrimination and federal civil rights violations.

SECOND CAUSE OF ACTION- INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

1.21 Mr. Taylor hereby reasserts the foregoing allegations and incorporates them by reference as if fully set forth herein.

1.22 City of Cleveland and Alvin White knew or should have known that their actions and inactions would result in severe emotional distress to Mr. Taylor.

A 1.23 City of Cleveland and Alvin White actions and inactions were extreme and outrageous and reckless and went beyond the bounds of decency and as such are intolerable in a civilized community

1.24 The mental anguish suffered by Mr. Taylor is such a serious nature that no respectable person could expect to endure it.

1.25 As direct and proximate result of City of Cleveland and Alvin White actions and inactions Mr. Taylor has suffered severe emotional distress , loss of reputation, humiliation extreme anxiety and significant , and possibly permanent psychiatric , and psychological disorder, fright , and anguish and will continue to suffer from emotional distress into the indefinite future, all of which resulted in the damages in a dollar amount in excess of 75,000.00 and as allowed by law and as will be fixed by the jury and proven at trial.

1.26 The actions and inactions of the City of Cleveland and Alvin White enumerated herein are so egregious as to warrant an award of punitive damages.

THIRD CAUSE OF ACTION 42 U. S. C. 1981

3.1 Mr. Taylor hereby reasserts the foregoing allegations and incorporates them by reference as if fully set forth herein.

3.2 All of the actions and inactions articulated above violate the Civil Rights Act of 1866 and 1870, embodied in 42U. S. C. 1981 which the statue clearly guarantees that all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence , and to the full and equal benefit

of all laws and proceedings for the security of persons and property as enjoyed by white citizens. This statute further indicates that the phrase "make and enforce contracts" includes the making , performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms and conditions of a contractual relationship . The statute further and clearly spells out these rights are protected against impairment by non-governmental discrimination and impairment under color of State law.

3.3 As direct and proximate results of the above- described actions and/or inactions, Mr. Taylor has suffered and will continue to suffer from severe and significant depression, regular and consistent nightmares, anger, resentment hyper vigilance , abnormal appetite, and reduced motivation and significant anxiety.

3.4 Mr. Taylor states that as a direct and proximate result of the intentional and malicious and /or wanton and reckless actions and /or inactions of City of Cleveland and Alvin White that he has suffered severe and significant emotional distress , anxiety, fright, and anguish, and will continue to suffer from this emotional distress into the indefinite future.

3.5 As a direct and proximate result of the above described actions and/or inactions, Mr. Taylor has incurred medical expenses and will continue to incur such expenses into the indefinite future.

3.6 These actions and/or inactions by Defendants were base on Mr. Taylor's race and/or color and /or in retaliation for his having participated in a protected activity, all of which is in clear violation of 42 U.S.C. 1981.

3.7 The actions and inactions complained of above entitle Mr. Taylor to damages for lost profits , and back pay , front pay, emotional distress, the cost of litigation, and attorney fees, pursuant to 42 U. S. C. 1981 as well as under 42 U. S. C. 1988.

3.8 The actions and inactions complained of were so egregious , intentional, willful and despicable , and were perpetrated against Mr. Taylor with such disregard for his federally protected rights that Mr. Taylor is to, and City of Cleveland and Alvin White must be required to, pay an amount of punitive damages such that City of Cleveland and Alvin White will be economically forced to follow the law and insure a City free from discrimination.

PENDENT STATE CLAIMS FOURTH CAUSE OF ACTION- OHIO RACE AND RETALIATION DISCRIMINATION O.R.C. 4112.99

4.1 Mr. Taylor hereby reasserts the foregoing allegations and incorporates them by reference as fully set forth herein.

4.2 Ohio Revised Code provides that " Whoever violates this chapter is subject to a civil action for damages , injunctive relief, or any other appropriate relief". This chapter, I. e . O. R. C. 44112 et. seq . , includes prohibitions against discrimination in Ohio as regards , among other bases , race discrimination- O. R. C.44112.02(6) -and retaliation discrimination-O. R. C. 4112.02 (10) . This statute also provides for granting of compensatory and punitive damages for its violation.

4.3 As a direct and proximate results of City of Cleveland and Alvin White's actions and inactions enumerated above Mr. Taylor has suffered and will continue to suffer serious emotional distress , anxiety, loss of reputation, humiliation , embarrassment, loss of self-esteem

,loss of sleep and extreme frustration, all of which entitle him to an award of compensatory damages for this distress in a dollar amount in excess of 75,000.00 and as allowed by law and as will be fixed by jury and proven at trial.

4.4 As a direct and proximate result of City of Cleveland and Alvin White's actions and inactions enumerated above, Mr. Taylor has and will continue to lose pay, front pay, certain fringe benefits, social freedoms, income , property rights, and all other benefits to which Mr. Taylor would have been entitle, had actions and inactions complained of herein never occurred, in a dollar amount in excess of 75,000.00 and as allowed by law and as will be fixed by the jury and proven at trial.

4.5 City of Cleveland and Alvin White willfully and/ or intentionally and/or with callous and reckless indifference, violated Mr. Taylor's rights under Ohio law prohibiting race discrimination and retaliation discrimination of its citizen, so as to entitle Mr. Taylor to a award of punitive damages to be awarded, in a amount to be proven at trial.

FIFTH CAUSE OF ACTION- UNLAWFUL SEARCH AND SEIZURE IV , V, XIV, AMENDMENTS

5.1 Mr. Taylor hereby reasserts the foregoing allegations and incorporates them by reference as if fully set forth herein

5.2 Officer Alvin White did unlawfully search and seize Mr. Taylor's personal property for no other reason than pretext, officer Alvin White did take two Cleveland Browns football tickets by physical force , depriving Mr. Taylor of his tangible and intangible interest in that property.

5.3 Officer Alvin White did seize unlawfully Mr. Taylor's of his " person"

5.4 Officer Alvin White did detain , against his will, well, over 20 minutes, on two separate stops Mr. Taylor for no lawful reason, other than pretext, to which no person shall give credence.

5.6 Mr. Taylor did submit to officers Alvin Whites “ show of authority” , further officer Alvin White did act under the color of State law.

5.7 Mr. Taylor has entered into a “ social contract” that is the United States of America and is entitled to IV Amendment protections. Mr. Taylor has the right to be free of unreasonable search and seizure , Mr. Taylor has a right to a reasonable expectation of privacy.

5.8 Mr. Taylor alleges his right to equal protection under the laws in the United States as a Black African American citizen was denied under state and Federal laws and because of the facts aboveforementioned and criminal proceeding initiated against him.

5.9 As a direct and proximate results of City of Cleveland and Alvin Whites action and inactions enumerated above Mr. Taylor has suffered and will continue to suffer serious emotional distress, anxiety, loss of reputation, humiliation, embarrassment, loss of self- esteem, loss of sleep, and extreme frustration , all which entitle him to an award of compensatory damages for this distress in a dollar amount in excess of 75,000.00 and as allowed by law and as will be fixed by jury and proven at trial.

5.10 As direct and proximate result of City of Cleveland and Alvin White’s actions and inactions enumerated above , Mr. Taylor has and will continue to lose income, lose profit, front pay , certain fringe benefits loss interest in property, live in fear of rearrested and other benefits to

which Mr. Taylor would have been entitled, had the actions and inactions complained of herein never occurred, in a dollar amount in excess of 75,000.00 and as allowed by law and as will be fixed by the jury proven at trial.

5.11 City of Cleveland and Alvin White has willfully and/or intentionally and/or with reckless indifference, violated Mr. . Taylor's rights under Ohio state laws as well as federal laws of the United States of America prohibiting unreasonable search and seizures , by peace officer acting under the color of State law, so as to entitle Mr. Taylor to an award of punitive damages in addition to compensatory or any other damages to be awarded, in an amount to be proven at trial.

SIXTH CAUSE OF ACTION- UNLAWFUL RETALIATION,

INTIMIDATION, DERELICTION OF DUTIES

EXHAUSTION OF ADMINISTRATIVE REMEDIES

6.1 Mr. Taylor hereby reasserts the foregoing allegations and incorporates them by reference as if fully set forth herein. On or about October 11, 2005 Mr. Taylor filed a timely complaint with the Office Of Professional Standards, concerning two incidents of officer Alvin White's misconduct, which included but was not limited to unreasonable harassment, search, seizure retaliation, intention infliction of emotional distress, police intimidation , unlawful taking of personal property, deprivation of liberty, unlawful seizure of Mr. Taylor's " person" , and of officer Alvin White making false statements while under oath, during trial.

6.2 Mr. Taylor included in the aboveforementioned complaint absolute proof he had been falsely accused of a crime, and found not guilty of the crime , only after a trial was had(case 2005crb03177A) PEDDLERS I. D. REQUIRED Charge: MC 675.02 Judge Zone. Further

Mr. Taylor explained to the Office of Professional Standards in plain English how officer Alvin White acted with reckless abandon on October 9, 2005 and falsely accused Mr. Taylor in a second criminal matter , this complaint was also digitally taped as well as hand written signed and duly sworn by Mr. Taylor in the presents of a police officer in uniform representing the City of Cleveland.

6.3 On and about October 24, 2005 Mr. Taylor received correspondence from the Office of Professional Standards in the form of a letter stating , that his complaint was closed with no further action to be taken, because complaints regarding citizens traffic or parking tickets shall not be subject of official complaint signed by Ross Steinberg, Administrator dated October 21, 2005. Both cases involved criminal matters , both citation are written in plain English on criminal citations not on (UTT) or (PIN) forms.

6.4 On October, 31 2005 Mr. Taylor did respond to this matter and referred , to this over site as intentional, and reckless and is another failed attempt to protect officer Alvin White. Mr. Taylor complained to City of Cleveland's Mayor's Office, Safety Directors Office, and the City of Cleveland's Law Department, as well as Internal Affairs , In a last failed attempt to meet with O. P. S. Mr. Taylor agreed to meet with the O. P. S. On November 29, 2005 Tuesday upon arriving at office at 2:30 pm the office was closed and Mr. Taylor never receive a notice mentioning such close sure. Mr. Taylor had scheduled the meeting a few days earlier that week . The O. P. S. sent Mr. Taylor a letter stating he must meet with them by November 30, 2005 or they would close his file, Mr. Taylor showed up in timely manner, this is a miscarriage of justice these series of events are not mistakes but intentional, and reckless.

6.5 The City of Cleveland had acute knowledge of officer Alvin White's outrageous conduct as a police officer, but allowed him to go unpunished , and he continues to haunt Mr. Taylor and harass him in the City of Cleveland, the City of Cleveland has no system in place to deal with this

out of control officer , The Office of Professional Standards in the City of Cleveland is no more than a catch basin for all the dirty deeds of the Cleveland police, the complaints get trap and buried at this office , the Police Review Board can't hear complaints they never receive.

6.6 The City of Cleveland , Alvin White and the City of Cleveland Prosecutor knew or should have known commencing of a criminal prosecution with knowingly falsely amended citation deprived Mr. Taylor of his liberty. Also the court reporters office City of Cleveland breached Mr. Taylor's right to court transcripts in a timely manner ,for purpose of trial claiming it would take 3-4 weeks to produce the records , from a prior case that could help establish pretext, prejudice and officer Alvin Whites prior false statements under oath. Mr. Taylor had no other option, Mrs. Grace Evangelou, RPR the Chief Court Reporter said it was nothing she could due , due to illness in the office. The failure of the City to produce the court records in a timely manner harmed Mr. Taylor's right to a Fair trial.

6.7 The Deputy Clerk signed a criminal summons sworn and subscribed before him / her with (11) eleven mistakes, alterations, corrections, and fail to mention in description of offense what law or crime was committed on the face of the citation ,at least one of these mistake caused a capias to be issued against Mr. Taylor and was harmed and prejudice by it, this is done with malice , intent and reckless wanton disregard, dereliction of duties of all involved, the Deputy knew or should of know that this was a defective citation upon normal prudent inspection but chose to act reckless and breach his/ her duties on citation # A 448528, the prosecutor had a duty to assist in insuring Mr. Taylor had a fair trial States vs. Ragen 86, Supp. 382. 387. (N.D.1111 1949) and breached in her duties, became so embroiled in convicting Mr. Taylor loss sight of Mr. Taylor's justice, and should have never even commenced the prosecution which deprived him of his liberty guaranteed by the Constitution of the United States. United States vs. Griffin 856 F. Supp 1293 1300(N. D. I 11 1994).

6.8 Mr. Taylor did complain to the judicial branch or government in the City of Cleveland, in brief statements about Alvin Whites constant harassment on Sunday's downtown while trying to sell browns tickets , the judges remedy and only advice was to go complain to the O . P. S. The courts and the judge failed to provide relief for Mr. Taylor , Further judge Stokes disallowed Mr. Taylor the right to " impeach" officer Alvin Whites testimony as a key and only witness for the City of Cleveland vs. Kenneth Taylor case # 200CRB034181 A its my belief that the Judge in this matter showed bias and prejudice toward Mr. Taylor for not being represented by an attorney, and to further protect the City Of Cleveland and Officer Alvin White, who has a bias, prejudice and, bad character, defects in his observation, recollection, has made prior inconsistent statements, has traits of untruthfulness, further while under oath Mr. Taylor ask the judge if he had the legal right to impeach the witness? and never got an answer to this question during trial . Violating Mr. Taylor's rights to a fair trial and equal protection under the laws of the United States, Mr. Taylor well aware of the conspiracy of the police , and prosecutors and judges bias, and prejudice against him feeling a sense of corruption during trial on 11/ 03/ 2005. Returned to the court on 11/ 05/2005 two days later and request to see the court journal records and defective citation , but it was missing it disappeared, Mr. Tabor the director of Clerk of Courts could not find this citation, Mr. Taylor asked how often criminal files get lost, two days after a trial? He replied almost never. This citation is evidence of obstruction of justice, dereliction of duties and corruption . The City of Cleveland has failed to produce the actual document. Mention below is evidence this is a policy practice, in the City of Cleveland 's administrative offices and its officers to break the law, and did harm Mr. Taylor while doing so.

6.9 The City of Cleveland has cut certified training to its police officers in the area of the laws they enforce, the staff is under trained the City of Cleveland is liable for these under trained officers violating the law as Alvin White did in Mr. Taylor's case , the personnel file of officer Alvin White support this lacked of training .

6.10 On December 20, 2005 channel 19 actions news investigator Tom Myers revealed the police in City of Cleveland breaking the law as though there above the law parking illegally given citations, and then citation of police being removed from the clerk of courts system or tickets were disappearing from cities records, and this seems to be a policy in place for the police not to obey the law. These actions and inactions by the City of Cleveland have emboldened officer Alvin White and other officers in the City of Cleveland to believe their immune to normal rules of law. The City of Cleveland and Alvin White has failed in its duties assist Mr. Taylor in there capacity as public servants. And further has violated Mr. Taylor State and federal rights under the laws of the United States while participating in a protected act

6.11 Under the City of Cleveland's current policies and practices officer Alvin White was allowed by and through the City of Cleveland to act reckless and unlawful violate Mr. Taylor's rights, go without punishment, redress, the City of Cleveland has failed to take any remedial action what so ever, the city of Cleveland and officer White were warned of this action and given notice of civil rights violations and chose to do nothing. It is Mr. Taylor's belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or "good faith" argument and is not interposed for any improper purpose such as to harass or cause unnecessary delay or needless increase in the cost of litigation. Additionally Mr. Taylor will bring forth 3-5 witnesses to support allegations claimed by Mr. Taylor against Alvin White.

6.12 As a direct and proximate result of the above -described actions and inactions, Mr. Taylor has suffered and will continue to suffer from severe and significant depression, regular and consistent nightmares, anger, resentment, hypervigilance, abnormal appetite, reduced motivation, and significant anxiety. Mr. Taylor states that as a direct and proximate result of intentional and malicious and/or wanton and reckless actions and/ or inactions of the City of

Cleveland and Alvin White that he has suffered severe and significant emotional distress, anxiety, fright , and anguish , and will continue to suffer from this emotional distress into the indefinite future.

6.13 As a direct result of the above described actions and /or inactions, Mr. Taylor has incurred medical expenses and will continue to incur such expenses into the indefinite future.

6.14 These actions and/or inactions by Defendants were based on Mr. Taylor's race and/or color and/or in retaliation for having participated in protected activity all which is a clear violation of 42 U. S. C. 1985, 1986, 1982, 1981, 1983, 1988.

6.15 The actions and inactions complained of above entitle Mr. Taylor to damages for lost profits, lost interest in property, lost income emotional distress, the cost of litigation, and attorney fees, pursuant to 42 U. S. C. 1985, 1986, 1981, 1982 as well as 42 U. S. C. 1988 and 42 U. S. C. 1983 as well as under Ohio statutory and common law.

6.16 The actions and inactions complained of were so egregious, intentional, willful and despicable, and were perpetrated against Mr. Taylor with such disregard for his federally protected rights that Mr. Taylor is entitled to and the City of Cleveland and Alvin White must be required to, pay an amount of punitive damages such that the City of Cleveland and Alvin White will be economically forced to follow the law and ensure a city free of civil rights violations as well as discrimination.

WHEREFORE A PRAYER FOR RELIEF, based on the foregoing allegations Mr. Taylor asks for a prayer for relief:

A. Grant a permanent injunction enjoining Defendants Employer, its officers, successors , assigns and all persons in active concert or participation with it from discriminating against Mr. Taylor due to considerations of his race.

B. Order Defendants to make whole Kenneth S. Taylor , by providing affirmative relief necessary to eradicate the effects of their unlawful civil rights practices, including but not limited to loss income and profits in amounts to be proven at trial.

C. An order enjoining the City of Cleveland and Alvin White and its respective agents, employees from continuing to discriminate against Mr. Taylor due to his race and/or color and/or in retaliation for his having sought to protect and/or enforce his federal and state rights to a city free of discrimination and/or civil rights violations.

D. An award of compensatory damages for the extreme mental and emotional distress suffered by Mr. Taylor as a direct and proximate result of the actions and or inactions complained of herein, under all Civil Rights claims as well as under Mr. Taylor's claims under 42 U. S. C. 1983, 1985, 1981, 1988, 1986, 1982, as well as under Mr. Taylor's pendant state statutory and common law claims.

E. An award of Punitive damages, under Mr. Taylor's federal and pendant state claims, in an amount as will be determined by the jury and proven at trial.

F. Prejudgment and post- judgment interest on all amounts awarded to Mr. Taylor;

G. A declaratory judgment that the practices complained of herein are unlawful and void; and the appropriate injunctive relief to remedy the practices complained of herein;

H. An award to Mr. Taylor of his reasonable cost and attorney's fees, under 42 U. S.C. 1988, 1983 42 U. S. C. 1981 Ohio Revised Code 4112.02 Ohio Revised Code 4112.99 and Ohio Revised Code 4112.01 and all other applicable federal and state fee shifting statutes and common law bases, as well as an award of such enhancement of attorney's fees as is customary in contingent matters of court;

I. For such further legal and equitable relief as may be deemed just and fair or to which Mr. Taylor is or would be entitled under his federal and state claims.

J. An award of Compensatory damages for lost business profits and/ revenues lost as a results of Defendants harm, that imposed requirements on the business of Mr. Taylor to buy and sell property that violated the Civil Rights Statutes.

K. An order allowing Alvin White to be sued in his personal capacity for actions taken in his official duties as well as in official capacity. Mr. Taylor seeks both personal liability and injunctive relief against officer Alvin White, and seeks parallel claims.

L. An order for the City of Cleveland to produce, all related evidence , documents, transcripts , digital tapes, recordings , journals, personnel records, convictions records of white citizens, who buy and sell tickets.

JURY TRIAL DEMAND

The Plaintiff requests a jury trial on all question of fact raised by its Complaint.

Kenneth S. Taylor
12/28/2005,
PRO SE

Respectfully, submitted

s/ Kenneth S. Taylor

Kenneth S. Taylor [Pro Se]

Kenneth S. Taylor

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